

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOHNIE ADAMS,

Plaintiff,

vs.

CASE NO. 09-15038  
HON. LAWRENCE P. ZATKOFF

DEUTSCHE BANK NATIONAL TRUST,

Defendant.

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**ORDER**

AT A SESSION of said Court, held in the  
United States Courthouse, in the City of Port Huron, State of  
Michigan, on the 31st day of December, 2009

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

This matter is before the Court on Plaintiff's Motion for Temporary Restraining Order  
(Docket #1), filed on December 30, 2009. The Court has not received any response from Defendant.

**I. LEGAL STANDARD**

A court is to consider the following four factors in determining whether a plaintiff  
is entitled to a temporary restraining order or other preliminary injunctive relief:

- (1) whether the movant has shown a strong or substantial likelihood or probability of success on the merits;
- (2) whether the movant has shown that he or she would suffer irreparable harm if the preliminary relief is not issued;
- (3) whether the issuance of a preliminary injunction will not cause substantial harm to third parties; and
- (4) whether the public interest would be served by the issuance of a preliminary

injunction.

*Sandison v. Michigan High School Athletic Association, Inc.*, 64 F.3d 1026, 1030 (6<sup>th</sup> Cir. 1995); *UASCO Coal Co. v. Carbomin Energy, Inc.*, 689 F.2d 94, 98 (6<sup>th</sup> Cir. 1982); *Mason County Med. Ass'n v. Knebel*, 563 F.2d 256, 261 (6<sup>th</sup> Cir. 1977). The standard for preliminary injunction is not a rigid and comprehensive test, and the four factors are to be balanced, not prerequisites that must be satisfied, but instead “these factors simply guide the discretion of the court; they are not meant to be rigid and unbending requirements.” *In re Eagle-Picher Indus., Inc.* 963 F.2d 855, 859 (6<sup>th</sup> Cir. 1992).

## **II. FINDINGS OF THE COURT**

The Court has reviewed the Plaintiff’s Motion. The Court finds that Plaintiff has not satisfied her burden to require this Court to grant Plaintiff’s request for a Temporary Restraining Order. In particular, Plaintiff’s conclusory analysis fails to demonstrate a substantial likelihood of success on the merits of her claim.

## **III. CONCLUSION**

Accordingly, for the reasons stated, Plaintiff’s Motion for Temporary Restraining Order (Docket #1) is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: December 31, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 31, 2009.

S/Marie E. Verlinde

Case Manager

(810) 984-3290